

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION FREE CONFERENCE COMMITTEE ON HOUSE BILL 2

Call to Order: By **CHAIRMAN BOB KEENAN**, on April 12, 2001 at 8:00 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Bob Keenan, Chairman (R)
Rep. Steve Vick, Vice-Chairman (R)
Sen. Linda Nelson (D)
Sen. Tom Zook (R)
Rep. Matt McCann (D)
Rep. Dave Lewis (R)

Members Excused: None.

Members Absent: None.

Staff Present: Prudence Gildroy, Committee Secretary
Clayton Schenck, Legislative Fiscal Analyst
Taryn Purdy, Legislative Fiscal Division

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary: HB 2

Discussion:

CHAIRMAN BOB KEENAN told the committee the first set of amendments were boiler plate language.

Motion/Vote: **REP. STEVE VICK** moved **AMENDMENT HB000221.ACS BE ADOPTED** motion **carried 6-0. EXHIBIT(frh83hb0002a01)**

REP. VICK explained the amendment would give a report in the budget analysis of accruals.

Motion: SEN. KEENAN moved AMENDMENT HB000241.ATP BE ADOPTED.
EXHIBIT (frh83hb0002a02)

Discussion:

Taryn Purdy, Legislative Fiscal Division, said the amendment was an adjustment to an amendment that was added in Senate Finance. The amendment eliminated a number of FTE that have been vacant for seven months or longer from the present law budget for base budget building purposes. They are proposing that some of the FTE be reinstated for budgeting purposes in the next biennium. She stated that it also takes out the language that requires that any positions beginning on July 1, 2001 that have been vacant for nine months and every month thereafter where one position becomes vacant for nine months, that those positions also cannot be included in present law.

REP. VICK asked the reason for removing the nine month language. **Chuck Swyzgood, Director, OBPP**, told him it is being removed because agencies can get around it by moving people around.

REP. MATT MCCANN wondered about the legislature removing 309 positions if 393 are being added back in and if 115 FTE would not actually be removed with the amendment. **SEN. TOM ZOOK** stated that was the math. It was his understanding that the money was never removed for the positions. The amendment would not add any more money, it is still there.

REP. MCCANN questioned the point of removing the positions. **SEN. ZOOK** stated it was a good idea because they had been vacant for a long time. **CHAIRMAN KEENAN** said the positions being added back were seasonal. Pine Hills had positions vacant just over seven months while under construction. Now that they were open, they would like to have those positions back. **REP. MCCANN** expressed his support for adding the positions back in. He wondered if 115 FTE were removed permanently, does the money stay in the account. **CHAIRMAN KEENAN** told him it did. It will show up as new proposals next time for review.

Vote: motion carried 6-0.

Motion: SEN. ZOOK moved AMENDMENT HB000258.agd BE ADOPTED.
EXHIBIT (frh83hb0002a03)

Discussion:

SEN. ZOOK questioned the necessity of the amendment. **Director Swyzgood** told the committee there were concerns whether or not it

was possible to attain 15%. There have already been steps taken for conservation of energy. The governor's executive order required 10% energy conservation with the agencies. He stated the language was not necessary at the present time. **SEN. ZOOK** said he was made aware of that situation.

Vote: motion **carried 6-0.**

CHAIRMAN. KEENAN stated that amendment HB000264.alt was not taken care of in amendment 241. It would restore one FTE of the 1½ eliminated for the PSC.

Motion: **REP. MCCANN** moved **AMENDMENT HB000264.ALT BE ADOPTED. EXHIBIT (frh83hb0002a04)**

Discussion:

REP. MCCANN stated there was concern that the department would need a full staff during the transition.

SEN. LINDA NELSON asked where the money for the FTE would be found. **CHAIRMAN KEENAN** said the money was still there. **REP. VICK** said it was paid for by the fee they charge to utilities.

Vote: motion **carried 6-0.**

Ms Purdy explained that amendment HB000235.atp **EXHIBIT (1)** was a technical amendment. It would clean up language that actually reflects legislative intent. It would also reallocate money in the university system.

Motion: **SEN. ZOOK** moved **AMENDMENT HB000235.ATP BE ADOPTED. EXHIBIT (frh83hb0002a05)**

Discussion:

REP. VICK asked for an explanation about the part of the amendment that related to the Agriculture Experiment Stations. **Pam Joehler, Legislative Fiscal Division**, declared that the general liability review was removed early in the session, then restored during the restoration process. It was not allocated back out to the Agriculture Experiment Stations properly. This was a technical amendment would properly allocate the insurance policies.

Vote: motion **carried 6-0.**

Ms. Purdy advised that the Consumer Council requested additional contingency money. They believed there would be numerous cases where they will have to ask for outside legal assistance.

Motion: SEN. NELSON moved AMENDMENT HB000228.ASC
EXHIBIT(frh83hb0002a06) BE ADOPTED.

Discussion:

SEN. ZOOK asked for the budget office's point of view. **Director Swyzgood** informed the committee it was the first time they had seen the amendment.

CHAIRMAN KEENAN asked **Bob Nelson, Consumer Council**, to comment on the amendment.

Mr. Nelson explained that the council was actively involved in representing consumer interests in cases before the Public Service Commission. They were also active participants in FERC cases. He stated it had become apparent in pursuing those issues that there would be burdens placed on their office that were beyond what was included in their budget. They wanted to make sure they could adequately represent the direction the legislature would like to take.

Mr. Swyzgood stated that the amendment was attached to the legislative side of the issue.

Vote: motion carried 5-1 with Zook voting no.

Motion: SEN. KEENAN moved AMENDMENT HB000231.ASC
EXHIBIT(frh83hb0002a07) BE ADOPTED.

Claudia Clifford, State Auditor's Office, explained that SB 373 had passed through the legislature and was on the Governor's desk. The bill would allow the licensing of captive insurance companies and allow the spending authority to do financial reviews of those companies. The company being reviewed would pay a fee. It was not a general fund amendment.

REP. VICK questioned if the program would always generate general fund in excess of the state special that was needed for the office. **Ms. Clifford** stated there was a minimum \$5000 fee that the captive insurance companies would pay just to be licensed. They could be paying more. It was hard to anticipate how much general fund revenue would be generated. She did not know if the general fund revenues would exceed the special revenue needs for examining the company.

Vote: motion carried 6-0.

Motion: SEN. KEENAN moved AMENDMENT HB000234.ATP
EXHIBIT(frh83hb0002a08) BE ADOPTED.

Discussion:

CHAIRMAN KEENAN told the committee he recognized the amendment from Senate floor action. It would allow for private donations, no state special or general fund, for the commission of a work of art in the Senate Chambers.

SEN. MIGNON WATERMAN, SD 26, Helena, declared originally when the "Land Belonged to God" was purchased by the state from the Montana Club to hang in the Senate, because of smoking and temperature control the painting went to the Historical Society and the Senate got a copy. She suggested that since there was now air conditioning and smoking was not allowed in the chamber, that the original painting be hung in the chamber. She felt the piece was one of Russell's finest.

SEN. NELSON asked about the size of the "Land Belonged to God" painting. **SEN. WATERMAN** thought it was the same size as the print hanging in the Senate Chambers.

Vote: motion failed with Zook, Vick, Lewis, McCann voting no.
(Note: Two aye votes from each house needed to pass amendment)

Motion: REP. DAVE LEWIS moved AMENDMENT HB000253.AGD
EXHIBIT(frh83hb0002a09) BE ADOPTED.

Discussion:

REP. LEWIS declared that the amendment was tied to HB 131 which was been signed by the Governor. It was a fairly controversial bill. The money was already put into the revenue estimates.

SEN. ZOOK clarified that the driver of the vehicle had to be in violation to be stopped. Authorities could not pull them over without cause.

REP. LEWIS thought that was correct. The bill had gone through several interpretations.

Dave Galt, MDT, informed the committee that the bill included a measure for a civil penalty by the Department of Transportation. Existing statute had the penalty at \$500 for large trucks. The bill would impose a \$500 fine and a civil penalty of \$100. The

amendment was requested to help handle the civil penalties and any appeals that result.

Vote: motion carried 4-2 with Keenan, McCann voting no.
{Tape : 1; Side : B}

Motion/Vote: SEN. ZOOK moved AMENDMENT HB000254.AGD
EXHIBIT(frh83hb0002a10) BE ADOPTED. Motion carried 4-2 with Keenan, Vick voting no.

Motion: REP. LEWIS moved AMENDMENT HB000255.AGD
EXHIBIT(frh83hb0002a11) BE ADOPTED.

Discussion:

REP. LEWIS declared that the amendment was tied to SB 115 which was signed by the Governor.

Jim Currie, Montana Department of Transportation, informed the committee that SB 401 changed the way that agriculture refunds were processed to provide for a sliding scale. The bill had a sunset for the end of the current biennium. The last session funded a one time only FTE. SB 115 removed the sunset. He stated the amendment would allow the department the FTE authority.

CHAIRMAN KEENAN asked if the FTE came under the Highway State Special Revenue account. Mr. Currie told him that was correct.

Vote: motion failed with Keenan and Nelson voting no.

Motion: SEN. ZOOK moved AMENDMENT HB000256.AGD
EXHIBIT(frh83hb0002a12) BE ADOPTED.

Discussion:

SEN. ZOOK explained that last session an additional 1% aviation fuel tax was imposed. It was supposed to top out at a certain figure. He did not know if the fund had topped out.

Mr. Currie stated that the tax passed in the last legislative session had a limit on the amount that could be collected of \$1 million. The limit was reached toward the end of the previous calendar year. The aviation program asked for a bill to remove the cap and continue the tax.

SEN. ZOOK inquired about the full tax currently being paid. Mr. Dave Galt, MDT, told him it was four cents.

CHAIRMAN KEENAN inquired about the status of SB 280. **Mr. Currie** said the bill was up for second reading the previous day.

Vote: motion **carried 5-1 with Vick voting no.**

Motion: **SEN. NELSON** moved **AMENDMENT HB000257.AGD**
EXHIBIT (frh83hb0002a13) BE ADOPTED.

Discussion:

SEN. NELSON stated the amendment was connected with SB 448, which was waiting for the Governor's signature. It would place a 25 cent fee on vehicle registrations to fund grants and transportation services for senior citizens and persons with disabilities.

Mr. Galt stated that the bill put a 25 cent fee on everyone's registration fee. The department was asking for the authority to appropriate the money.

SEN. ZOOK asked how the money would be distributed. **Mr. Galt** stated the money would go to transit providers meeting the criteria. The decisions were made through the transit program.

REP. MCCANN asked if the service was currently being provided. **Mr. Galt** said the service was going on. **REP. MCCANN** asked where the revenue was coming from. **Mr. Galt** stated it was federal revenue.

Vote: motion **failed with Vick, McCann voting no.**

Mr. Swyzgood told the committee amendments **HB000265.alt**
EXHIBIT (frh83hb0002a14) moved the extradition and transportation of prisoners from the Department of Justice to the Governor's office. A bill had already passed. The service had been split between the departments. Having it in one place would help identify costs.

Motion/Vote: **AMENDMENT HB000265.ALT BE ADOPTED** motion **carried 6-0.**

CHAIRMAN KEENAN asked for explanation of amendment **HB000280.alt**
EXHIBIT (frh83hb0002a15).

Jeff Miller, Department of Revenue, explained that HB 399 would streamline liquor licensing activities as well as changing funding within the DOR and Dept. of Justice. There would be a funding switch from general fund to proprietary.

SEN. ZOOK asked if it was a new proprietary account. **Mr. Miller** said it was not. The Liquor Enterprise fund had been operating in that capacity for some time. **SEN. ZOOK** questioned reducing general fund with no net gain. **Mr. Miller** stated the reason was because the net profits and license fees derived by the Liquor Enterprise fund were going to be transferred to the general fund.

CHAIRMAN KEENAN asked if the committee wanted to wait on voting until they heard the Governor's amendments and then withdrew the amendment.

Section B

Motion: **SEN. KEENAN** moved **AMENDMENT HB000230.ALS**
EXHIBIT (frh83hb0002a16) BE ADOPTED.

Discussion:

Lois Steinbeck, Legislative Fiscal Division, explained that the amendment added \$3 million federal special revenue and Medicaid matching funds over the biennium for the Health Policy Services Division in DPHHS. The funds would be used to match school services that were eligible for Medicaid funding and were provided for Medicaid eligible children.

SEN. NELSON asked if the program was something the state did currently. **Ms. Steinbeck** stated that the refinancing idea came around during the Steven's administration. It was not used during that time because of the complexity.

Vote: motion carried 6-0.

Motion: **REP. LEWIS** moved **AMENDMENT HB000231.ALS**
EXHIBIT (frh83hb0002a17) BE ADOPTED.

Discussion:

REP. LEWIS declared that the amendment provided language to adjust for interest income.

Ms. Steinbeck stated the amendment referred to the tobacco interest. The legislature had accepted the executive proposal to fund provider rate increases out of the income interest from the Tobacco Trust. That was in excess of the amount estimated. Other kinds of revenue could be applied to help support the increases.

REP. LEWIS said the objective was to make sure the provider increases were held constant.

Vote: motion carried 6-0.

Motion: SEN. NELSON moved AMENDMENT HB000234.ALS
EXHIBIT(frh83hb0002a18) BE ADOPTED.

Discussion:

Ms. Steinbeck declared the amendment was prepared because the Department of Health Policy Services anticipated receiving \$372,000 of federal funds each year of the biennium for the treatment and prevention of aids.

REP. LEWIS asked about the grant. **Ms. Steinbeck** indicated she did not know if the eligibility requirements would be the same.

Vote: motion carried 6-0.

Motion: SEN. KEENAN moved AMENDMENT HB000240.ALS
EXHIBIT(frh83hb0002a19) BE ADOPTED.

Discussion:

REP. VICK stated when the bill was in committee, they testified that they would not need additional funds or FTE. **Hank Hudson, Department of Public Health and Human Services**, informed the committee that the bill itself was in conference committee. The discussion stated that there was licensing staff and funding for the position would be all federal funds. He stated it was yet to be determined how many FTEs are needed. The questions was whether or not the current staff could handle the additional load.

REP. MCCANN questioned if federal dollars were being used to fund the staffing. **Mr. Hudson** stated the money would come from the Child Care Development fund.

REP. LEWIS stated the way SB 324 reads, licensing was voluntarily and certain people were exempt. He questioned additional FTEs. **Mr. Hudson** said the FTE would write and develop the rules.

Vote: motion failed with Vick and Lewis voting no.

Motion: SEN. KEENAN moved AMENDMENT HB000262.APG
EXHIBIT(frh83hb0002a20) BE ADOPTED.

Discussion:

REP. LEWIS stated the amendment would reverse a motion made in the Senate to take money out of each of the line items to fund the earned income tax credit. The amendment would put the money back.

CHAIRMAN KEENAN withdrew his motion.

Motion: **REP. LEWIS** moved **AMENDMENT HB000263**

EXHIBIT(frh83hb0002a21) **BE ADOPTED.**

Discussion:

REP. LEWIS proclaimed the explanation he had just made pertained to HB000263, not HB000262.

SEN. NELSON asked for clarification regarding the earned income tax credit. It was her understanding that the credit was in SB 220 and the bill was dead. **REP. LEWIS** stated money was set aside to fund the credit if the bill died.

Vote: motion **carried 6-0.**

Motion: **REP. LEWIS** moved **AMENDMENT HB000262.APG BE ADOPTED.**

EXHIBIT(frh83hb0002a22)

Discussion:

REP. LEWIS explained that the amendment took \$250,000 per year from each of the TANF line items in order to fund the Children's Trust Fund.

{Tape : 2; Side : A}

CHAIRMAN KEENAN said the fund would only apply to TANF eligible children.

REP. LEWIS declared that was his understanding as well.

REP. MCCANN questioned continual movement within the fund. He asked if this was one more movement in a different direction.

REP. LEWIS stated the Senate removed \$500,000 from the earned income tax credit; the amendment would allow the money to be used effectively because the bill was dead in the House.

Vote: motion **carried 6-0.**

Motion: SEN. KEENAN moved AMENDMENT HB000266.APG
EXHIBIT(frh83hb0002a23) BE ADOPTED.

Discussion:

Mr. Hudson advised the amendment would amend a section of HB 2 language that defined FAIM activities as special projects. The projects would be available to tribes who had their own plans. It would give them access to things that were not available state wide. He stated the language was inaccurate because they were not special projects on the list. The new language would give tribes access to earmarked dollars contingent on federal approval. Items set out for contract would also be available. The Fort Belknap Tribe's preferred amendment was basically the same.

CHAIRMAN KEENAN asked if the amendment should be held. **Mr. Hudson** said they were ready to go forward with the amendment. The point of the amendment was clarification.

Jonathan Windy Boy, Chairman, Tribal Council, advised the committee of a letter from **Max Baucus**.

CHAIRMAN KEENAN said they could withdraw the amendment until it has been discussed further with **Mr. Hudson**. **Mr. Windy Boy** felt it was an administrative issue.

CHAIRMAN KEENAN withdrew his motion.

SEN. ZOOK questioned the use of the phrase "exterior boundaries". **Mr. Hudson** said it was a request by the tribes. **Mr. Windy Boy** declared exterior boundaries would allow for a broad area of jurisdiction. **SEN. ZOOK** argued it was an extra word that was not necessary. **Mr. Windy Boy** further clarified the issue.

Section C

Motion: REP. LEWIS moved AMENDMENT HB000234.ASC
EXHIBIT(frh83hb0002a24) BE ADOPTED.

Discussion:

CHAIRMAN KEENAN said they were going to hold off on the amendment for now.

Motion: SEN. KEENAN moved AMENDMENT HB000253.AGH
EXHIBIT(frh83hb0002a25) BE ADOPTED.

Discussion:

Director Swyzgood stated the amendment correlated with HB 459. HB 459 revised MEPA and required the agencies to conduct analysis of projects. The analysis was not currently required. The amendment was to compensate for the costs associated with conducting the reviews.

Jeff Hager, Director, Fish, Wildlife and Parks, explained they could withdraw the amendment because there were other sources being looked at to cover the costs associated with conducting a review.

CHAIRMAN KEENAN withdrew his motion.

Motion: SEN. KEENAN moved **AMENDMENT HB000236.AGH**
EXHIBIT (frh83hb0002a26) BE ADOPTED.

CHAIRMAN KEENAN stated it dealt with SB 285, which was now law.

Mr. Hager stated the bill was signed by the Governor and was the expansion of the Block Management Program. It would give the department an additional \$802,000 for the expansion of the Wild Management Program. The amendment would include two FTE which would be spread through multiple seasonal people.

REP. MCCANN expressed his support for the amendment. It was important to help people obtain a hunting license.

SEN. ZOOK supported the amendment, but questioned the need for additional FTEs. **Mr. Hager** stated the program would increase. They would need more people to manage the program as seasonal employees. **SEN. ZOOK** said he was in the Block Management Program and the people who worked in his area were full time employees. **Mr. Hager** stated in some cases they were.

REP. MCCANN asked how many people were involved in the program. **Mr. Hager** told him around 1000. **REP. MCCANN** asked how many employees. **Mr. Hager** said seven or eight, with a portion split up among several seasonal people.

SEN. ZOOK stated the two FTE's would take away from additional benefits from the program. **Mr. Hager** said it would take away a portion, but the FTE were lower grade.

REP. MCCANN said he would feel comfortable setting the amendment aside until it could be discussed further.

CHAIRMAN KEENAN withdrew his motion.

Motion: SEN. KEENAN moved **AMENDMENT HB000237.AGH**
EXHIBIT(frh83hb0002a27) **BE ADOPTED.**

Discussion:

Mr. Hager stated the amendment dealt with the possible passage of HB 419. The bill would create a cooperative program between FWP and the Attorney General's office in which they would assist in the prosecution of fish and wildlife issues.

REP. MCCANN asked if the department was able to pay for the half-time attorney. **Mr. Hager** said it would be funded within the Attorney General's office.

Vote: motion **carried 6-0.**

Motion: SEN. KEENAN moved **AMENDMENT HB000239.AGH**
EXHIBIT(frh83hb0002a28) **BE ADOPTED.**

Discussion:

CHAIRMAN KEENAN advised the second amendment should say Senate not House.

Jan Sensibaugh, Director, Department of Environmental Quality, explained the amendment was a request for \$4 million in spending authority because the mine bond bill passed. It would allow the DEQ to sell bonds to raise money for reclamation of mines where the state was responsible.

REP. MCCANN asked if the DEQ anticipated selling \$4 million worth of bonds. **Ms Sensibaugh** stated they have to sell \$2 million worth as soon as possible.

Vote: motion **carried 6-0.**

Motion: SEN. KEENAN moved **AMENDMENT HB000240.AGH**
EXHIBIT(frh83hb0002a29) **BE ADOPTED.**

Discussion:

Ms. Sensibaugh told the committee that SB 167 had been transmitted to the Governor. It was the bill for the sanitation subdivisions act which emerged after a two year consensus process. Part of the bill would allow the DEQ to transfer to the county additional responsibilities for subdivision review. The

amendment would allow the DEQ to reimburse the counties for additional review under the bill.

REP. MCCANN asked where the state special was coming from. **Ms. Sensibaugh** informed him that it would come from fees paid by developers when submitting an application.

REP. MCCANN asked to set the amendment aside until he had a better understanding or what the consensus committee did.

CHAIRMAN KEENAN withdrew his motion.

Motion: **SEN. KEENAN** moved **AMENDMENT HB000241.AGH EXHIBIT (frh83hb0002a30)** BE ADOPTED.

Discussion:

Ms. Sensibaugh explained the account was established for environmental reclamation and remediation for hard rock open cut fines, fees and penalties, as well as unclaimed bond amounts. The money was used for small reclamation projects for which the state was responsible.

Vote: motion carried 6-0.

Motion: **SEN. KEENAN** moved **AMENDMENTS HB000241.ATY EXHIBIT (frh83hb0002a31)** BE ADOPTED.

Discussion:

Bill Hoffman, Dept. of Commerce, stated HB 437 added freight elevators to the Building Codes Division, which currently inspected elevators. The committee restored three FTE. An additional one and a half FTE would allow inspections to be performed on freight elevators.

CHAIRMAN KEENAN withdrew his motion.

Motion: **SEN. KEENAN** moved **AMENDMENT HB000242.AGH** BE ADOPTED. **EXHIBIT (frh83hb0002a32)**

Discussion:

REP. LEWIS said it was an issue that **REP. GARY BRANAE**, OPI and Senator Baucus' office had been working on. He thought the problem had been solved. He asked for more time to check on the issue.

CHAIRMAN KEENAN withdrew his motion.

Motion: SEN. KEENAN moved **AMENDMENT HB000243.AGH**
EXHIBIT(frh83hb0002a33) BE ADOPTED.

Discussion:

Bud Clinch, DNRC, advised the amendment would add language to allow the department the authority to use existing appropriated state special revenue to fight fires during the interim. They would then come back with a supplemental to backfill from the general fund.

Vote: motion carried 6-0.

{Tape : 2; Side : B}

Motion: SEN. KEENAN moved **AMENDMENT HB000245.AGH**
EXHIBIT(frh83hb0002a34) BE ADOPTED.

Discussion:

Mr. Clinch stated SB 31 implements a process for granting expedited rights of way across state lands that were of a historic nature. The process would have a \$50 application fee and generate approximately \$5000 annually. The additional revenue would be used for operating expenses. Additional trust funds would also be generated.

Vote: motion carried 6-0.

Motion: SEN. KEENAN moved **AMENDMENT HB000246.AGH**
EXHIBIT(frh83hb0002a35) BE ADOPTED.

Discussion:

Mr. Clinch advised that SB 354 qualified into statute existing principals of the enabling act, the Constitution and a 1976 Attorney General's opinion stating that the trust must be compensated for all uses of it, particularly in references to natural areas. The bill was currently before the Governor. There was a positive fiscal note because currently the department and the Board of Land Commissioners had a process where currently a certain percentage of forest lands were being set aside for the protection of old growth forests. That would be in conflict with the principals of SB 354. There was the potential of increased timber harvests with a potential \$1 million annual increase to

the school trust. The fiscal note identified the need for one FTE and \$35,000 to implement the program.

REP. MCCANN asked if this was the result of the forest fires. **Mr. Clinch** stated it had nothing to do with forest fires. It dealt with forest land management.

Vote: motion carried 5-1 with Keenan voting no.

Section D

Motion: SEN. KEENAN moved AMENDMENT HB000239.ATY
EXHIBIT(frh83hb0002a36) BE ADOPTED.

Discussion:

Ingrid Childress, Dept. of Labor, stated that HB 500 was on second reading on the floor of the Senate.

CHAIRMAN KEENAN withdrew his motion.

Motion: SEN. KEENAN moved AMENDMENT HB000258.ALT
EXHIBIT(frh83hb0002a37) BE ADOPTED.

Discussion:

Jim Oppendall, Board of Crime Control, stated SB 254 would create an office of victim services in the Attorney General's Office. It transferred FTE and operating expenses to the Board of Justice.

Vote: motion carried 6-0.

Motion: SEN. KEENAN moved AMENDMENT HB000259.ALT
EXHIBIT(frh83hb0002a38) BE ADOPTED.

Discussion:

Lorene Thorson, Legislative Fiscal Division, stated the amendment was prepared by the Public Service Regulation. It would add \$157,000 each year for personal service cost for reorganization and reclassification.

CHAIRMAN KEENAN asked where the money comes from. **Ms. Thorson** told him it comes from state special from a tax on regulated utilities.

Vote: motion failed with Keenan, Nelson voting no.

REP. MCCANN declared there were implications associated with reorganization. They would like to have the funding to hire individuals in order to retain the integrity of their organization.

Motion/Vote: **SEN. KEENAN** moved to **RECONSIDER ACTION ON AMENDMENT HB000259.ALT** motion **carried 6-0**.

Motion: **SEN. KEENAN** moved **AMENDMENT HB000260.ALT EXHIBIT**(frh83hb0002a39) **BE ADOPTED**.

Discussion:

Mr. Swyzgood said the amendment would address the Board of Crime Control. It would put the Board of Crime Control's agency at under 20 FTEs which were exempt from vacancy savings and would restore their vacancy savings.

Vote: motion **failed 4-2 with Vick, Lewis voting no**.

Motion: **SEN. KEENAN** moved **AMENDMENT HB000267.ALT EXHIBIT**(frh83hb0002a40) **BE ADOPTED**.

Discussion:

Dean Roberts, Department of Justice, stated SB 334 was law. The bill established a rehabilitation program for those who have more than eighteen points on their records in less than three years. The amendment asked for spending authority that would be paid for by the fees that come in. The request was one FTE.

REP. MCCANN asked if the FTE would be located in Helena and what they would do. **Mr. Roberts** said that was correct. The FTE would set up and audit the programs. They would also monitor the effectiveness of the program.

SEN. ZOOK questioned how the points scale worked. **Mr. Roberts** stated it was a lot of points. Generally eighteen points involved a DUI, no insurance, speeding ticket or stop sign violation. The private sector was coming in and taking over where the state had not done a good job. **SEN. ZOOK** asked if an individual had to get thirty points to lose their license. **Mr. Roberts** indicated it was thirty points in three years.

Vote: motion **failed 3-3 with Vick, Keenan, Nelson voting no**.

Motion: **SEN. NELSON** moved **AMENDMENT HB000269.ALT EXHIBIT**(frh83hb0002a41) **BE ADOPTED**.

Discussion:

Bert Obert, Department of Justice, stated the amendment would change access to crash reports. Historically they had not been provided. However, specific information would have to be removed from the reports. It would allow people to know if a car has been in a crash prior to purchase.

Vote: motion carried 4-2 with Keenan, McCann voting no.

Section E

Motion: SEN. KEENAN moved AMENDMENT HB000235.ATP BE ADOPTED.
EXHIBIT (frh83hb0002a42)

Ms. Purdy stated when SB 65 was passed the House Appropriations upon request of the sponsor placed a limit on the amount of money one county pays to another for a child who was put into a state facility. There was concern for a burden being placed on the receiving district for a high cost child. The amendment would give the district access to instate treatment money already appropriated to OPI for that specific purpose.

Vote: motion carried 6-0.

Motion: SEN. KEENAN moved AMENDMENT HB000242.ATP BE ADOPTED.
EXHIBIT (frh83hb0002a43)

Discussion:

SEN. COBB stated there was an interim study on the issue.

Vote: motion carried 6-0.

Motion: SEN. ZOOK moved AMENDMENT HB000260.APJ
EXHIBIT (frh83hb0002a44) BE ADOPTED.

Discussion:

SEN. ZOOK explained that the figures were adjusted in Senate Finance at the request of the colleges because their projections were lower than the Governor's.

CHAIRMAN KEENAN stated it was a technical amendment. It would bring the numbers into compliance.

Vote: motion carried 6-0.

Motion/Vote: SEN. KEENAN moved AMENDMENT HB000267.APJ BE ADOPTED
motion carried 6-0. EXHIBIT(frh83hb0002a45)

Motion: SEN. KEENAN moved AMENDMENT HB000261.ALT
EXHIBIT(frh83hb0002a46) BE ADOPTED.

Discussion:

CHAIRMAN KEENAN explained the amendment was for proprietary funds to set rates for the Cook Chill Program to various facilities in the Deer Lodge valley.

REP. MCCANN asked what the current rates were. Becky Buzga, Dept. of Corrections, stated it would change the Cook Chill operation to an internal service fund. The rates would change for DPHHS. Next session the rates would be established in the base budget. It was an accounting switch. REP. MCCANN questioned how the fund has been handled so far. She told him the Cook Chill just started in October of the previous year. It was not operated as an internal service fund.

Vote: motion carried 6-0.

ADJOURNMENT

Adjournment: 10:00 A.M.

SEN. BOB KEENAN, Chairman

PRUDENCE GILDROY, Secretary

BK/PB/PG
Transcribed by Prudence Gildroy